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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,162	06/29/2006	Claudio Bargheer	095309.56911US	9074

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EXAMINER

BARFIELD, ANTHONY DERRELL

ART UNIT	PAPER NUMBER
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3636

MAIL DATE	DELIVERY MODE
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06/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/553,162	Applicant(s) BARGHEER ET AL.	
	Examiner Anthony D. Barfield	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bargheer et al. ('399). Bargheer et al., ('399) with reference to Figure 1, discloses an air supply device (14) for a vehicle seat (10,12) with an air channel (18,30) which comprises at least one air discharge opening (26) provided in an upper region of the seat (14) for supplying a head, shoulder and neck area of an occupant of the seat with an airflow, the air supply device (20) comprising: a blower (44) having a pressure side on which the air channel (18,30) is arranged; a heating element (32) arranged in the air channel (18,30) between the blower (24) and the air inlet opening (20), and; a grid element (40, col. 2 lines 58-59) arranged inside the air channel (18,30) between the air discharge opening and the heating element (32). Both the discharge opening and grid element are provided in the upper region of the seat. It would have been an obvious matter of design choice to place the heating element between the blower and discharge opening, since applicant has not disclosed that a heating element between the blower and discharge opening solves any stated problem and it appears that the heating element, as taught by Bargheer et al. ('399), would perform equally well.

2. Claims 7- 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bargheer et al. (2002/0057006) in view of Bargheer et al. ('399) and Del Monte (EP 217,752 A1). Bargheer et

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al., with reference to Figure 1, discloses an air supply device (20) for a vehicle seat (10,12,14) with an air channel (30,32,42) which comprises at least one air discharge opening (44) provided in an upper region of the seat (14) for supplying a head, shoulder and neck area of an occupant of the seat with an airflow, the air supply device (20) comprising: a blower (24) having a pressure side on which the air channel (32) is arranged: a heating element (16) can be arranged in the air channel (32) between the blower (24) and the air discharge opening (44) (paragraph 0017).

Bargheer et al. fails to disclose the heat element in an upper region of the seat and a grid element arranged inside the air channel between the air discharge opening and the heating element.

Bargheer et al ('399) shows the use of a heating element in an upper region of the seat and Del Monte discloses an air-conditioning device, held within a passenger seat, including a headrest with an air-outlet that contains opening (6), which normally has a grille (col. 2, lines 5-9). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the seat and duct of Bargheer et al. ('006) with the teachings of Bargheer et al ('399) and Del Monte to provide added comfort to user while regulating the air flow thereto.

Response to Arguments

3. Applicant's arguments filed 2/25/08 have been fully considered but they are not persuasive. In response to applicant's argument that the "vaness" (40) as taught by Bargheer et al ('399) do not constitute a grid element, the examiner is of the position that so far as defined by the claim invention that the vanes do in fact constitute a grid element (which may comprise of parallel members, see Webster's II New Riverside University Dictionary). Furthermore, in response to applicant's argument that the references fail to show certain features of applicant's

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invention, it is noted that the features upon which applicant relies (i.e., criss-crossed members) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

4. Applicant's arguments with respect to claims 7-12 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony D. Barfield whose telephone number is 571-272-6852. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony D Barfield/
Primary Examiner, Art Unit 3636

adb
June 23, 2008